

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Southern Division)

PAMELA J. NUNZIO

Plaintiff

v.

COUNTRYWIDE BANK, N.A., et al

Defendants.

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Civil Action No.: _____

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NOTICE OF REMOVAL

Defendant Bank of America, N.A., successor-in-interest to Countrywide Bank, N.A., and Defendant Countrywide Financial Corporation (collectively, “Defendants”), by their attorneys and pursuant to 28 U.S.C. §§ 1331 and 1441, et seq., hereby file this Notice of Removal from the Circuit Court for Montgomery County, Maryland to the United States District Court for the District of Maryland, and as grounds for removal state:

1. Plaintiff Pamela J. Nunzio (“Plaintiff”) filed suit against Defendants in the Circuit Court for Montgomery County, Maryland on or about June 16, 2010. The case was docketed as case no. 333965v.

2. Prior to serving the Summonses and Complaint, Plaintiff filed an Amended Complaint with the Circuit Court on or about August 9, 2010 and the Writs of Summons to Defendants were re-issued on August 16, 2010.

3. On August 16, 2010, Defendant Bank of America, N.A., successor-in-interest to Countrywide Bank, N.A., was personally served with a copy of the Writ of

Summons dated August 16, 2010, Ammended (*sic*) Complaint, and Notice of Scheduling Hearing and Order of Court dated August 16, 2010.

4. On August 16, 2010, Defendant Countrywide Financial Corporation was personally served with a copy of a Writ of Summons dated August 16, 2010, Ammended (*sic*) Complaint, and Notice of Scheduling Hearing and Order of Court dated August 16, 2010.

5. Plaintiff's Complaint alleges a violation of the federal Fair Credit Reporting Act (FCRA) 15 U.S.C. §1681 et seq., and seeks damages of \$180,000.00.

6. This action is subject to removal pursuant to 28 U.S.C. §§ 1331 and 1441(b) at the request of Defendants because Plaintiff's claims arise under the law of the United States.

7. As averred below, the present action is also subject to removal pursuant to 28 U.S.C. § 1332 because it is a civil action over which this Court has original jurisdiction under the provision of the United States Code governing diversity jurisdiction.

A. Plaintiff is an adult individual residing at 10616 Democracy Lane, Potomac, Maryland 20854. Thus, Plaintiff is a citizen of Maryland for purposes of determining the existence of diversity of citizenship under 28 U.S.C. § 1332.

B. Defendant Bank of America, N.A, successor-in-interest to Countrywide Bank, N.A., is a national bank with its main offices in Charlotte, North Carolina. See Affidavit of Devra Lindgren, attached hereto as Exhibit 1. Therefore,

DMEAST #12871657 v1

Bank of America, N.A., successor-in-interest to Countrywide Bank, N.A., is a citizen of North Carolina for purposes of determining the existence of diversity of citizenship under 28 U.S.C. § 1332. *Wachovia v. Schmidt*, 546 U.S. 303 (2006) (holding that a national bank is a citizen of the state in which its main office is located).

C. Defendant Countrywide Financial Corporation is a Delaware corporation with its principal place of business located in the State of California. See Affidavit of Devra Lindgren, attached hereto as Exhibit 2. Accordingly, Defendant Countrywide Financial Corporation is deemed a citizen of Delaware and California, for the purposes of 28 U.S.C. § 1332. 28 U.S.C. § 1332(c)(1).

D. Thus, there is complete diversity among the parties.

E. Plaintiff's Complaint demands damages of \$180,000.00. Thus, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00 in the present action.

8. Removal is timely. Defendants have filed this Notice of Removal within 30 days after they were properly served with the Amended Complaint.

9. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the District of Maryland, Southern Division, is the proper venue for removal because Montgomery County, Maryland, the place where this action is pending, is located within the District of Maryland, Southern Division.

10. All defendants consent to removal.

11. Attached to this notice are copies of all papers served upon Defendants.

12. A copy of this Notice has been served on *pro se* Plaintiff and will be filed with the clerk of the Circuit Court for Montgomery County.

13. By filing this Notice of Removal, Defendants do not waive any rights to object to service of process, the sufficiency of process, jurisdiction over the person, or venue, and specifically reserve the right to assert any defenses and/or objections to which they may be entitled.

WHEREFORE, Defendant Bank of America, N.A., successor in interest to Countrywide Bank, N.A. and Defendant Countrywide Financial Corporation, remove the above action now pending against them in the Circuit Court for Montgomery County to this Court.

Respectfully submitted,

Date: September 15, 2010

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successor-in-interest to Countrywide Bank, N.A. and
Defendant Countrywide Financial Corporation*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of September, 2010, a copy of the foregoing Notice of Removal was mailed by first class mail, postage prepaid to:

Pamela J. Nunzio
10616 Democracy Lane
Potomac, Maryland 20854

Pro Se Plaintiff

Glenn A. Cline